

REMARKS

Applicant has carefully reviewed the Final Office Action mailed November 3, 2006 and offers the following remarks to accompany the above amendments.

Claims 4-39 are pending in the present application. Claims 1-3 were previously cancelled. No additional claims are added or cancelled. Accordingly, claims 4-39 remain pending.

The amendment filed on October 25, 2005 was objected to under 35 U.S.C. § 132(a) as introducing new subject matter. New drawings FIG. 1C and FIGS. 8-13 and the amendments to the Specification on pages 4 and 5 of the response filed October 25, 2005, were not entered. (See Final Office Action mailed November 3, 2006, page 5). Applicant respectfully requests that the Patent Office treat this new matter as a continuation-in-part as of the filing date of this new matter. Accordingly, applicant respectfully requests entry of the new drawings, FIG. 1C and FIGS. 8-13, and the amendments to the Specification on pages 4 and 5 of the response filed October 25, 2005.

Claims 4-6, 8-10, 12, 14, 15, 17, 19, 20, 22, 24-26, 28, 29, 31, 32, 34, 35, 37, and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,184,732 to Ditchburn, deceased, et al. (hereinafter "Ditchburn"). Applicant respectfully traverses. For the Patent Office to prove anticipation, each and every element of the claims must be present in the reference. Furthermore, the elements of the reference must be arranged as claimed. MPEP § 2131.

Applicant has previously argued the deficiencies of the Ditchburn reference and hereby incorporates by reference the arguments presented within the responses filed on July 24, 2006, and October 25, 2005. However, Applicant has amended independent claims 4, 8, 12, 17, 22, 26, 31, 34, and 37 to more clearly recite that the motion picture medium or video are adapted to be viewable by a human. Ditchburn utilizes the output of the viewers to produce signals related to an object that is dropped in front of the viewers. The signals are representative of an approximation of the object to a spherical shape (blockiness), representative of the approximation of the object to symmetry, and representative of inverse hull deviance of the object. These signals are used to classify the objects that are dropped in front of the viewers based upon shape. Applicant finds no teaching or suggestion within Ditchburn of adapting either the output of the viewers or the signals representative of blockiness, symmetry, and inverse

convex hull deviance into a form adapted to be viewable by a human. As such, the Ditchburn reference does not anticipate claims 4, 8, 12, 17, 22, 26, 31, 34, and 37 for at least this reason.

Accordingly, the rejection of claims 4, 8, 12, 17, 22, 26, 31, 34, and 37 should be withdrawn. Claims 5, 6, 9, 10, 14, 15, 19, 20, 24, 25, 28, 29, 32, 35, and 38 depend, either directly or indirectly, from one of claims 4, 8, 12, 17, 22, 26, 31, 34, or 37 and the rejection of these claims should be withdrawn for at least the same reasons. Applicant reserves the right to make additional arguments in the future with respect to any of the rejected claims if needed. Applicant respectfully requests notice of allowance of claims 4-6, 8-10, 12, 14, 15, 17, 19, 20, 22, 24-26, 28, 29, 31, 32, 34, 35, 37, and 38 at the earliest possible date.

Claims 7, 11, 13, 16, 18, 21, 23, 27, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ditchburn in view of U.S. Patent No. 3,815,979 to Collender (hereinafter “Collender”). Applicant respectfully traverses. For the Patent Office to combine references in an obviousness rejection, the Patent Office must do two things. First, the Patent Office must establish *prima facie* obviousness by showing where each and every element is taught or suggested in the combined references. MPEP § 2143.03. Second, the Patent Office must state a motivation to combine the references. The motivation must be supported with actual evidence which cannot come from Applicant’s disclosure. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999).

Claims 7, 11, 13, 16, 18, 21, 23, 27, and 30 depend, either directly or indirectly, from one of claims 4, 8, 12, 17, 22, and 26 and the rejection of these claims should be withdrawn for at least the same reasons as claims 4, 8, 12, 17, 22, and 26. Applicant reserves the right to make additional arguments in the future with respect to claims 7, 11, 13, 16, 18, 21, 23, 27, and 30 if needed. Applicant respectfully requests notice of allowance of claims 7, 11, 13, 16, 18, 21, 23, 27, and 30 at the earliest possible date.

Claims 33, 36, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ditchburn in view of U.S. Patent No. 4,453,182 to Wilkinson et al. (hereinafter “Wilkinson”). Applicant respectfully traverses. The standards for obviousness are set forth above.

Claims 33, 36, and 39 depend, either directly or indirectly, from one of claims 31, 34, and 37 and the rejection of these claims should be withdrawn for at least the same reasons as claims 31, 34, and 37. Applicant reserves the right to make additional arguments in the future with

respect to claims 33, 36, and 39 if needed. Applicant respectfully requests notice of allowance of claims 33, 36, and 39 at the earliest possible date.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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